

**REMARKS**

Applicant respectfully requests review and reconsideration of the objections and rejections in the Office Action dated July 25, 2005 based on the following remarks.

**Objections to the Specification**

The title of the invention was objected to as not being descriptive. Office Action, Page 2.

The title has been amended to IMAGE-PROCESSING METHOD, APPARATUS AND PROGRAM FOR DISCOURAGING ILLEGAL COPYING OF IMAGES.

Applicant believes that the objection to the title has been overcome.

**Rejections Under 35 USC § 101**

Claims 17-20 were rejected under 35 USC § 101 as not as a whole accomplishing a practical application. The Office Action alleges that Claims 17-20 do not produce a "useful, concrete and tangible result." The Office Action states that it is not clear whether Claims 17-20 recite a "program" or just a "flow chart" printed on a piece of paper. Office Action, Pages 2-3.

Claims 17 and 18 have been amended to "A computer program on a computer readable medium including computer-executable instructions for causing a computer to execute the image-processing method according to Claim n."

Applicant believes that the objections to Claims 17-20 under 35 USC § 101 have been overcome.

**Rejections Under 35 USC § 112****Rejections Under 35 USC § 112, first paragraph**

Claims 17-20 were rejected under 35 USC § 112, first paragraph as being based on a disclosure which is not enabling. The Office Action states that "a computer program on a computer readable medium executing machine readable instructions" is critical or

essential to the practice of the invention, but is not included in the claims." Office Action, Pages 3-4.

As discussed above with reference to the rejections under 35 USC § 101, Applicant believes that the rejections under 35 USC § 112, first paragraph have been overcome.

**Rejections Under 35 USC § 112, first paragraph**

Claims 17-20 were rejected under 35 USC § 112, second paragraph as failing to set forth the subject matter which applicant regards as the invention. The Office Action states that at page 29, the specification recites a "flow chart" whereas the claims recite a "program."

As noted above with reference to the rejections under 35 USC § 101, Applicant believes that the rejections under 35 USC § 112, second paragraph have been overcome.

**Rejections Under 35 USC § 102**

Claims 1-40 were rejected under 35 USC 103(e) as being anticipated by Matsunoshita US 2003/0179412 A1.

The Matsunoshita reference discloses a system in which a user selects and inputs added information to be embedded in a document to be printed. [0050]. The user then issues a print command. Upon receipt of the print command, the printer driver converts document data (application data) into predetermined print data described in print description language (PDL), imparts the added information to a header part of the print data, and then transmits the resultant data to a complex machine 3 via a network 9. [0050]. The added information are attached only to a confidential document or the like which requires copy inhibition. [0051]. The complex machine 3 checks the received PDL data. When at least one of the copy inhibition information, condition information and the latent image information is contained in the received data, the complex machine generates a background image in which predetermined pattern images are two-dimensionally arrayed according to predetermined rules, composes the background image and a document image (original image) generated from the PDL data, and prints out the resultant image. When neither the copy inhibition information nor the condition

information is contained in the received PDL data, the machine prints out only the document image generated from the PDL data. [0054]. A background image formation part 518 generates a background image in which a copy inhibiting pattern image area and a condition pattern image area are repeatedly, two-dimensionally arranged according to the predetermined rules, while referring to a code array generated by the added information encoding part 514 and the pattern images corresponding to each of code data stored in the pattern image storing part 516. [0072].

The claimed invention includes an image having a background area and a latent image area. If the image is copied, the background image area remains but the latent image area disappears. Independent Claims 1, 7, 12 and 16 each include a limitation that information which distinguishes an original from a copy is attached to at least the latent image area. Thus, this information can be extracted from the original (which includes the latent image area), but not from a copy (which does not include the latent image area).

The Matsunoshita reference does not teach or suggest that such information is attached to the latent image area. As discussed above, the Matsunoshita reference discloses adding additional information for confidential documents. Such additional information is repeatedly embedded in a background pattern which is printed. The Matsunoshita reference does not teach or suggest attaching information to the latent image area.

Because the Matsunoshita reference does not teach all of the claim limitations of independent Claims 1, 7, 12 and 16, these claims are believed to be in condition for allowance.

Because independent Claims 1, 7, 12 and 16 are believed to be allowable, all of the claims depending therefrom (namely, Claims 2-6, 8-11, 13-15 and 17-20) are also believed to be in condition for allowance for the same reasons. However, because each dependent claim is also deemed to define an additional aspect of the invention, individual consideration of each on its own merits is respectfully requested.

Independent Claim 27 includes limitations of extracting embedded information which indicates whether the image is a copy or an original and determining whether the image is a copy or an original based on a result of the extraction. The Matsunoshita reference does not teach or suggest extracting embedded information which indicates

whether the image is a copy or an original and determining whether the image is a copy or an original based on a result of the extraction. Therefore, independent Claim 27 is believed to be in condition for allowance.

Because independent Claim 27 is believed to be allowable, all of the claims depending therefrom, namely, claims 30, 32-40 and new claims 41-45, are believed to be in condition for allowance for the same reasons. However, because each dependent claim is also deemed to define an additional aspect of the invention, individual consideration of each on its own merits is respectfully requested.

New independent claims 46-48 have also been added.

New claim 46 is believed to be in condition for allowance based on the reasons discussed above with respect to Claim 27.

New Claims 47 and 48 are believed to be in condition for allowance for the reasons discussed above with respect to Claims 1, 7, 12 and 16.

In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached at (949) 932-3132. All correspondence should be directed to the below-listed address.

Respectfully submitted,

10/21/05

Date

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